

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Antonio Lee Allen

Docket No. 5:02-CR-41-1BO

Petition for Action on Supervised Release

COMES NOW Van R. Freeman, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Antonio Lee Allen, who, upon an earlier plea of guilty to 21 U.S.C. 841 (a)(1), Possess with intent to distribute five grams or more of cocaine base(crack), and 18 U.S.C. 924(c)(1)(A), Use and carry a firearm during and in relation to a drug trafficking offense, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on July 30, 2002, to the custody of the Bureau of Prisons for a term of 248 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall submit a written weekly report to the probation office, if not regularly employed, of attempts to secure gainful employment.
3. The defendant shall support his or her dependants.

On June 4, 2004, the court reduced the defendant's sentence to 98 months based on the Government's motion pursuant to Rule 35 of the Federal Rules of Criminal Procedure. Antonio Lee Allen was released from custody on April 8, 2009, at which time the term of supervised release commenced.

On July 6, 2009, based on the defendant's use of marijuana, the court modified his supervision to include the following conditions:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days as directed by the probation officer and shall abide by all rules and regulations of the designated facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use -

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Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.

On September 14, 2009, the defendant served a 5-day DROPS sanction for again using marijuana.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

After completing drug treatment and not having a positive test for 18 months, on March 21, 2011, the defendant again tested positive for the use of marijuana. At this time we recommend that the defendant be placed in a program of cognitive behavioral therapy. It is our hope that through this intervention, the defendant will be equipped to make better decisions. In addition, we have increased his drug testing. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Van R. Freeman, Jr.
Van R. Freeman, Jr.
Senior U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: April 11, 2011

ORDER OF COURT

Considered and ordered this 12 day of April, 2011, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge